

**Statement from Texas Agriculture Commissioner Todd Staples
Before the Texas Senate Committee on Transportation and Homeland Security
April 12, 2012**

Thank you, Mr. Chairman and members of the committee, for the opportunity to testify before you today on the charge: "Examine the impact of border violence and illegal trafficking on the Texas economy, including the infringement of Texas property rights. Make recommendations for enhancing border security and maximizing federal resources targeted for this purpose." I am Todd Staples, Texas Commissioner of Agriculture.

The charge of this committee is an important one for all Texans. Whether you are a property owner in the Rio Grande Valley or a homeowner in Houston, your right to life, liberty and private property should be protected and able to be enjoyed. Unfortunately, you know there are significant threats to those rights. And for some reason, the urgency of these threats have gone ignored and unnoticed by any federal policy officials who have the ability to address them.

In response to numerous outcries from border region farmers and ranchers to call attention to those threats, I launched a website to document the real stories of Texans suffering from our insecure border. ProtectYourTexasBorder.com posts videos from those who have bravely come forward – in many cases anonymously for fear of retaliation – to share their encounters with these dangerous individuals. These are true accounts that document what is really happening on our side of the border. The evidence is clear; the border is not secure.

It is imperative the Obama administration help our cities, counties and state secure our nation's southern border right here in Texas.

The 82nd Texas Legislature recognized this critical issue and the numerous accounts of cross-border violence and tasked the Texas Department of Agriculture via House Bill 4, to conduct:

"an assessment of the impact of illegal activity along the Texas-Mexico border on rural landowners and the agriculture industry and working in conjunction with other appropriate entities to develop recommendations to enhance border security."

On September 26, 2011, I unveiled a detailed strategic assessment of the United States' southern border between Texas and Mexico that chronicles the impact of violent drug cartels and transnational criminal organizations. Co-authored by retired General Barry McCaffrey, the former Director of the Office of National Drug Control Policy under President Bill Clinton and the former Commander of all U.S. troops in Central and South America, and retired Major-General Robert Scales, the former Commandant of the United States Army War College, the assessment details the border problem in undeniable, stark terms. It also provides a strategic analysis of the danger and threat to our nation, and advocates for expanded resources and attention to secure the border.

That study, entitled *Texas Border Security: A Strategic Military Assessment*, documents in clear terms, we have a violently insecure, porous border, with a lack of operational control. Texans and the men and women in our local, state, and federal law enforcement roles are simply calling for sufficient action - ample federal resources to secure our country. No one is blaming our national leaders for the drug cartels' seedy motives and heinous actions – but saying "our border is safer than ever" signals two dangerous messages to these narco-terrorist organizations that are infiltrating America: 1. We are satisfied with the status quo, and 2. We are not going to drive you out of business. The only message should be this: We will meet any opposing force with greater force and we will not cede one inch of Texas soil.

At this very moment a critical industry to our national security is under increasing attack. Texas farmers and ranchers along the U.S.-Mexico border are regularly becoming victims of intimidation, aggression and outright violence by armed trespassers that often have direct ties to Mexico's drug cartels. With

alarming frequency, Texans along the border are subjected to physical harassment, illegal trespassing, property damage, theft and the illegal trafficking of people and drugs on their property. If we lose the ability to check irrigation pumps at night, patch fence during a storm, or enjoy every corner of our property because of real or perceived threats, we have lost the very rights our Constitution gives us to that land.

I am offended, and all Texans should be offended that inappropriate statistics are being used to diminish the crimes committed against in Texas by narco-terrorists.

Texans I've encountered share the view that we must not minimize the actions of terrorists and we must protect the property rights of Texans. This border assessment tells the stories of farmers, ranchers and rural landowners who have been victims of violence; who witness grim atrocities on a far too frequent basis; and generally live in fear of those who cross their land day and night. From the brazenness of a shooting or the horrific tragedy of a coyote fleeing Border Patrol only to wreck: killing 9 and critically injuring 6 others.¹

I believe one of the worst mistakes public officials make on this issue, other than ignoring it altogether, is focusing solely on the violence south of the Rio Grande. Let me be clear, this is happening on our side of the border and each day that they threaten a farmer or rancher, they get closer to impacting our nation's food supply.

American agriculture produces the safest, most affordable and most reliable food and fiber supply in the world – and Texas is a major contributor to those production efforts. Despite an ongoing drought and constant wildfire threats, the Texas agriculture industry has shown significant strengths in a trying time for the U.S. economy. We continue to lead the nation in the production of cattle, cotton, sheep, goats, mohair and many other products that American consumers rely on daily. Agriculture is also a significant sector of the Texas economy, producing on average an economic impact of about \$100 billion a year. Mexico is the No. 2 export market for the United States and our No. 3 source of imports. It is this legal trade that we seek to preserve.

Let me give you a snapshot of the grave danger Texans face due to an insecure border. These are only some of the acts of violence these transnational criminal organizations have taken in the past year:

- On Feb. 18 – Two energy company employees were assaulted and robbed in rural Webb County (Source: DPS)
- On March 11 – A ranch foreman was injured from shots fired by suspected drug cartel members in rural Webb County (Source: DPS)
- On June 9 – DPS and Game Wardens were shot at by drug traffickers in rural Hidalgo County (Source: DPS)
- On June 19 – Border Patrol agents were shot at by drug traffickers in an area of Hidalgo County that has seen repeated shootings aimed at U.S. law enforcement (Source: DPS)
- On July 14 – Shots were fired at water district workers in rural Hidalgo County (Source: The Monitor)
- On Aug. 26 – Border Patrol agents are assaulted with rocks by suspected drug traffickers (Source: KRIS)
- On Sept. 27 – Shots were fired, killing at least one individual, on a Hidalgo County highway (Source: The Monitor)
- On Oct. 4 – Shots were fired at a Border Patrol agent in Cuevitas, TX (Source: DPS)
- On Oct. 30 – A Hidalgo County sheriff's deputy was shot and injured during a traffic stop by a gang member with ties to the Gulf Cartel (Source: Valley Central, KRGV)

¹ ["9 suspected undocumented immigrants die in wreck" April 11, 2012. Brownsville Herald](#)

- On Nov. 21 – A man is killed, and a sheriff's deputy injured, after a narcotics shipment is ambushed and sprayed with bullets while traveling on a highway in Harris County (Source: Houston Chronicle)

All of these incidents – which law enforcement believes were caused by criminals linked to the cartels – have taken place on American soil in Texas. We cannot allow the livelihoods and peaceful enjoyment of private property to continue to be invaded. We cannot allow our standards to devolve to some absurd tolerance threshold for violence against private property owners at the hands of transnational criminal organizations. In addition to acts of violence, Texans are witnessing the direct consequences of narco-terrorism and organized crime. Rural residents experience the human tragedy of finding dead bodies on their properties – those of the sick and frail who fell behind and were left to die by the traffickers. These well-documented cases are proof that these terrorists do not shed their label simply by stepping into the United States to bring organized crime and traffic drugs, people, weapons, and money.

We've heard of farmers selling out and closing their operations. We are talking about our domestic food supply. We cannot stand by and watch terrorists frighten farmers out of agriculture. We do not like being dependent on foreign oil; we must not become dependent on foreign food.

We all know the transnational criminal activity has been heading to our border. I for one have no tolerance for these criminals trespassing on the soil, the sovereignty and the rights of the United States of America.

This is not just a Texas problem...it is a national security breach. Law enforcement in New York, Los Angeles, Dallas and Houston have confirmed that cartels have gangs operating in these cities. How can the border be called secure when fierce assaults continue against American citizens on American soil; nightly incursions occur across Texas ranches; and dead bodies are scattered throughout private properties?

Unfortunately, the administration and others have repeatedly said the U.S.-Mexico border is "as secure now as it has ever been." While I acknowledge the progress and the gains made in urban border areas and the increase in capabilities and resources; the drugs in American cities and the cash flowing south say that interpretation is simply untrue. The increases in federal support have resulted in two scenarios along the Texas-Mexico border: 1) lower crime rates in urban border communities like Brownsville and El Paso, and 2) a rural runaround of the drug cartels now focusing their efforts where there is the weakest presence of federal border enforcement. Keep in mind that 93 percent of the land in counties along the Texas-Mexico border is unincorporated and overwhelmingly rural.

The bottom line is our border is not secure. What we have are transnational criminal organizations basing their operations in a foreign country and deploying military-type incursions on American soil. And our President indicates this is okay by saying we are more secure today?

Texas is home to 64 percent of the U.S.-Mexico border, but only 44 percent of the Border Patrol agents. There are 14 Border Patrol agents per border mile on average from California to New Mexico. Yet there are less than half that many per mile in Texas at 6 agents per border mile. I assure you, and so do Generals McCaffrey and Scales in their report, there is no reason for Texas to have anything but a higher presence of federal law enforcement. One of which is to overturn and prevent a strategically beneficial, centrally located entry point for their drugs into the United States. The use of hub cities in Texas such as Austin and Dallas, already serve as gateways to transport drugs to markets across the U.S.

Each time the federal government denies there is a problem, only the cartels and traffickers benefit – they gain courage and territory. The federal government must act now and do more to protect America. Our lives and our livelihoods depend on a secure border where legal trade and commerce can grow. The entire border region is critical to the strength and future of Texas and our nation, and we need to see these

communities prosper and economies grow without the threat of violence associated with illegal drug and human trafficking.

The federal government needs a smarter, dynamic response to avoid funneling this traffic into our rural areas. The Texas Department of Public Safety model with integrated communications across multiple law enforcement agencies at the local, state and federal levels combined with the necessary response and support teams to give our local and federal partners the capabilities they need to secure their communities and our border. Texans want action and all Americans need action. You, the Texas Legislature, and state and local law enforcement have invested considerable resources to support the mission of the U.S. Border Patrol and meet the public safety concerns of their constituents. These local, state and federal law enforcement officers are doing the best job they can, but ineffective federal policies have only allowed the problems to fester. Our Border Patrol and local and state officers are doing the best job they can, but they are in dire need of the strategic support of our federal government to take the fight to the cartels and aid our neighbors to the south. The broader public strategy our federal government is employing does not appear coordinated, effective or have the full attention of this administration to follow through in solving this problem.

The Generals' assessment, along with many others that have genuinely looked at the war raging along our southern border, have concluded we cannot miss this opportunity to join with the Mexican government to confront narco-terrorism, by addressing the strategic needs this region requires to end the illegal flow of narcotics, people, guns and money.

Targeting these terrorists and securing the border only solves part of the problem; I have called on Congress to also address the other weaknesses that have led to the abuse of our border and laws. While I recognize these are two separate issues, it is undeniable that reducing the number of illegal entries into the U.S. by reforming our failed guest labor and immigration program would allow our law enforcement to focus resources on the remaining reduced illegal border crossings. Any expanded effort to secure the border would be benefited substantially by focusing on reforming our federal failed immigration system, which in turn would allow Border Patrol and law enforcement resources to be more fully engaged in stopping violent drug and human traffickers. All Americans, regardless of their background or culture, deserve a legal immigration system that meets our workforce needs and diminishes the demand for the coyote smugglers and traffickers who are exploiting and endangering lives.

Allowing a porous border is not only a threat to our citizens and nation's food supply, but also a threat to our homeland security. Clearly, such a threat stands in direct contrast to the protections authored by our Founding Fathers in the United States Constitution.

In short my recommendations for securing our border effectively and efficiently are:

1. Continue to support and augment the efforts of local and state police forces with manpower, technology, and coordination.
2. Categorize cartel violence as terroristic activity. Hit them in their pocket book to cripple them financially by cutting off southbound money. Many Congressional efforts have started this: Representatives Francisco Canseco and Michael McCaul.
3. Provide Texas parity in the number of federal Border Patrol agents per border mile consistent with other border states.
4. National Guard troops should be increased not decreased until operation control is achieved.
5. Aid local governments, particularly along the border, in taking advantage of the surplus military equipment coming back from Iraq and Afghanistan as called for by Representatives Henry Cuellar and Ted Poe.
6. Increase resources at our ports of entry to facilitate legal trade, boost capacity, decrease wait times, and ultimately detect illegal trafficking going both north and south.
7. Continue to call for the federal government to reform our failed guest worker programs and solve illegal immigration. This will aid our economy and boost our law enforcement efforts along the

border, and throughout the United States, by allowing the focus to be on drug and human traffickers.

I commend this committee and your leadership, Mr. Chairman, for ensuring if the federal government fails to act, the Texas legislature and those in our law enforcement community will not fail to protect life, liberty, and private property.

Thank you for the opportunity to testify. I look forward to any questions you may have.